

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

MILE 533 MARINE WAYS, INC.

V.

**M/V CLARISSA, her engines,
tackle, etc., *in rem***

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CIVIL ACTION NO. _____

Admiralty Fed. R. Civ. P. 9(h)

PLAINTIFF'S ORIGINAL VERIFIED COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, MILE 533 MARINE WAYS, INC. ("Plaintiff") and files this its Original Verified Complaint against the M/V CLARISSA, its engines, tackle, etc., *in rem* ("Defendant"), and alleges as follows:

I.

This is a case of admiralty and maritime jurisdiction within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure. Jurisdiction is founded on 28 U.S.C. § 1333 and § 1331.

II.

Plaintiff, MILE 533 MARINE WAYS, INC., is a Texas corporation duly organized and existing under and by virtue of the laws of the State of Texas with offices located in Aransas Pass, Texas.

III.

The M/V CLARISSA, Official No. 622351, is within the Southern District and within the jurisdiction of this Honorable Court. It is berthed at a dock in Conn Brown Harbor, Business Hwy 35 or from State Highway 361, in Aransas Pass, Texas. The vessel is owned by GULF COAST CREW BOATS LLC which is a Texas limited liability company with its principal place of business in Cameron County, Texas.

IV.

This is a Complaint *in rem* against the M/V CLARISSA. The Plaintiff asserts claims for a maritime lien for having supplied “necessaries” to the vessel. Specifically, the Plaintiff provided labor, materials and repairs and/or improvements to the vessel. The Plaintiff alleges claims pursuant to Rule C of the Supplemental Rules for Certain Admiralty and Maritime Claims and pursuant to 46 U.S.C. § 31342, *et. seq.*

V.

The M/V CLARISSA is an approximately 100-foot long offshore crew boat.

VI.

Plaintiff provided materials, labor, and other services for the repair and improvement of the M/V CLARISSA. These items were provided at the vessel owner’s request and were provided in the regular course of Plaintiff’s business.

VII.

In consideration of the provision of these items, the vessel owner promised and became bound and liable to pay Plaintiff the prices charged for the items in a total amount of \$20,589.77. That amount is supported by a systematic record which Plaintiff has kept and is a reasonable charge for the provision of such items.

VIII.

Billings made to the vessel owner by the Plaintiff in the amount of \$20,589.77 are past due and delinquent. The billings by the Plaintiff were for repairs and/or improvements performed on the M/V CLARISSA. Exhibit 1 is a verified account, incorporated by reference into this Complaint, which shows more particularly the items provided by Plaintiff to Defendant and the amount owed by Defendant to Plaintiff for each such item.

IX.

Plaintiff has demanded payment from the vessel owner, but the vessel owner has made no payment. Exhibit 2 is an email exchange regarding the vessel owner's inability to pay the bill.

X.

The vessel owner has been keeping the vessel at a dock in Conn Brown Harbor. The vessel owner's principal and only known place of business is in Cameron County, Texas. The vessel is an offshore crewboat. There is an immediate danger that Defendant may dispose of the property or remove the property from the local area.

XI.

Accordingly, the Plaintiff brings a claim against the M/V CLARISSA pursuant to Rule C of the Supplemental Rules for Certain Admiralty and Maritime Claims and pursuant to 46 U.S.C. Section Civil 31342, *et. seq.* Specifically, the Plaintiff has provided "necessaries" to the M/V CLARISSA, as that term is defined by the maritime law and 46 U.S.C. § 31342, *et. seq.* The Rule C claim against the M/V CLARISSA includes the delinquent total amount of \$20,589.77, plus attorney fees and interest.

XII.

All and singular, the premises are true and within the admiralty and maritime jurisdiction of the United States and this Honorable Court.

WHEREFORE, Plaintiff prays:

1. That process in due form of law, according to the practice of this Honorable Court in causes of admiralty and maritime jurisdiction, may issue against the M/V CLARISSA, her engines, tackle, etc., and that all persons owning or claiming any interest in said vessel may be cited to appear and answer the matters aforesaid, and that the M/V

CLARISSA, her engines, tackle, etc., shall be seized and may be condemned and sold to pay the demands of Plaintiff aforesaid, together with interest, fees and costs,

2. That a Rule C lien may be declared to be a valid and subsisting lien upon the M/V CLARISSA, her engines, tackle, etc., and prior and superior to the interest, liens and claims of any and all persons, firms or corporations whatsoever.
3. That the Plaintiff receive such other and further relief as in the premises may be just.

Respectfully submitted,

/s/Jack C. Partridge

Jack C. Partridge, Attorney in Charge

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